

Applicant respectfully submits that Figures 6-7 relate closely to Figure 5 and, as such, should properly be regarded as pertaining to Lawn Mower Controls 4. Support for this position can be found in the Application on page 13, paragraphs 30 and 31 in which Figures 6 and 7 are stated as being enlarged partial views of the drive-by-wire lawn mower of Figure 5. Accordingly, Lawn Mower Controls 4 should pertain to Figures 5-7.

Applicant hereby provisionally elects to prosecute the species Lawn Mower Controls 1 which corresponds to Figures 2A-2B. Applicant submits that original Claims 1-10, 27-31, 33-38, and 55-58 are readable on species Lawn Mower Controls 1 and, thus, requests examination of Claims 1-10, 27-31, 33-38, and 55-58.

Applicant respectfully traverses the restriction requirement with respect to Claims 11-26, 32, and 39-54 which are readable on species Lawn Mower Controls 2, Lawn Mower Controls 3, and Lawn Mower Controls 4.

TRAVERSE TO RESTRICTION REQUIREMENT

As set forth in MPEP § 803, restriction may properly be required between patentably distinct inventions if: (1) the inventions are independent or distinct as claimed; and (2) there is a serious burden on the Examiner if restriction is not required.

With regard to this second criteria, applicant respectfully submits that there will not be a serious burden on the Examiner if restriction between the claims directed to Lawn Mower Controls 1, the claims directed to Lawn Mower Controls 2, the claims directed to Lawn Mower Controls 3, and the claims directed to Lawn Mower Controls 4 is not required because regardless of which sets of claims are prosecuted, the field of search for each invention will substantially overlap, if not be identical to, the

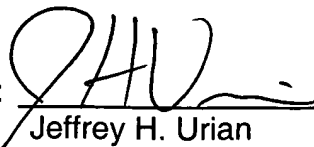
other. A separate field of search is shown to exist only when one of the distinct subjects can be searched in places where no pertinent art to the other subject exists. In this case, however, there is no indication that a separate field of search is required for the distinct inventions. Thus, applicant contends that there will not be a serious burden on the Examiner if restriction is not required.

CONCLUSION

In view of the above, it is respectfully submitted that the conditions set forth in MPEP § 803 do not require that the inventions of Lawn Mower Controls 1, Lawn Mower Controls 2, Lawn Mower Controls 3, and Lawn Mower Controls 4 be restricted in this case, because, in particular, they will not be a serious burden on the Examiner if restriction is not required. Therefore, applicant respectfully requests the Examiner to reconsider and withdraw the restriction requirement as to the claims directed to Lawn Mower Controls 1, Lawn Mower Controls 2, Lawn Mower Controls 3, and Lawn Mower Controls 4 and pass this application for action on the merits of the pending claims. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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